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S/N: 10/711,475

ELECTION

Applicant elects, with traverse, what the Examiner has characterized as "Invention I", deemed drawn to an electrical connector, and corresponding to claims 1-41 and 61-109. From "Invention I" Applicant further elects what the Examiner has identified as Specie 2, as shown in Figs. 13-17, and considered related to claims 1-15, 19-22, 24-37, 61-67, 70-81, 85-96, 99, and 101-109.

REMARKS

The Examiner has alleged two 'inventions' in the pending claims. The Examiner's classification of the 'inventions' include Group I consisting of claims 1-41 and 61-109, drawn to an electrical connector and classified by the Examiner in class 439, subclass 11, and Group II consisting of claims 42-60 drawn to method of forming a high-power electrical connection, and classified by the Examiner in class 29, subclass 876. The Examiner further indicated that if Applicant elects Group I, a further restriction of species is required. The Examiner alleges that the present application contains claims directed to eight (8) patentably distinct species.

In restricting Groups I and II under MPEP §806.05(f), the Examiner states that "Inventions II and I are related as process of making and product made" and that "[t]he inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f))." The Examiner further states that "[i]n the instant case, the electrical connection as claimed can be formed by forcing or pressing the plug into the socket, without any step of rotation." The Examiner maintains that "[b]ecause these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper." Applicant respectfully disagrees.

MPEP §806.05(f) states that "A process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process

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as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process." MPEP §806.05(f) further states that "[a] product defined by the process by which it can be made is still a product claim...." MPEP §806.05(f) also states that "defining the product in terms of a process by which it is made is nothing more than a permissible technique that applicant may use to define the invention." Applicant has merely done what is expressly authorized by MPEP §806.05(f).

The Examiner's statement that "[i]n the instant case, the electrical connection as claimed can be formed by forcing or pressing the plug into the socket, without any step of rotation" disregards elements called for in the claims and would result in damage to the product. Claims 42 and 47, identified as Group II, each call for a connector assembly having a pair of respective parts wherein engagement is achieved upon rotation therebetween. Claim 1, of Group I, calls for, in part, a quick connector assembly having a first connector having a stem portion having a threaded end and a second connector having a recess constructed to receive the stem portion of the first connector and engage the threaded end thereof. One of ordinary skill in the art would recognize that engaging threading parts cannot be accomplished by "forcing or pressing" the parts together but requires rotation between the parts of the assembly. That is, a person of ordinary skill in the art would readily appreciate that "forcing or pressing" threaded parts together without rotation would defeat the purpose of forming a threaded connection and result in damage to the parts, if possible at all.

Forcing or pressing threaded parts together would either destroy the threading or render the threading unsuitable for its intended purpose, i.e. forming a repeatably connectable and severable connection. The Examiner's interpretation that the "product" of the claims of Group I could be formed by "forcing or pressing" the constituent components together disregards portions of that which is called for in claim 1. Claim 1 calls for, parts that threadingly engage. Claim 3, which depends from claim 1, further defines the threaded engagement wherein the first connector is rotatable relative to the second connector. These limitations cannot be disregarded. The Examiner has not set forth a proper restriction between the claims of Groups I and II and therefore, these claims must be rejoined.

Similarly, claim 11, also identified as Group I, calls for, in part, a quick connector assembly having a threaded section formed in a recess. That is, the threaded section, requires rotation between the two parts of the connector assembly. Pressing or forcing the parts

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together is simply not a viable alternative to an at least partially threaded connection. Likewise, claim 19, identified as Group I, also calls for, in part, a device adapter having a threaded section. A person of ordinary skill in the art would readily appreciate that threaded sections are not engaged merely by "pressing or forcing" the parts together without rotation therebetween as suggested by the Examiner.

Claim 61, also classified as Group I, calls for, in part, means for connecting means for receiving a weld cable to a power source. Claim 62 further defines the means for connecting of claim 61 as including a plurality of threads about a contact surface area. Claims 65 and 69, which depend directly or indirectly from claim 61, also call for a plurality of threads formed about a second securing means of the quick connector assembly. Such structure clearly indicates the rotatable relationship of the components of the connector assembly. Likewise, claim 71, which depends from claim 70, calls for, in part, a connector assembly wherein an output connector is engageable with a cable connector from an initial position to a fully engaged position in less than 180 degrees of rotation.

Claim 85, also classified in Group I, calls for a cable connector including a cable connector and a receptacle. Claim 85 further calls for a stud extending from the cable connector constructed to be received in the recess of a receptacle and wherein the stud has a threaded portion. The threaded portion clearly indicates the rotational association between the receptacle and the cable connector. Claim 93 has also been classified in Group I. Claim 93 calls for, in part, a quick connector assembly having a plug with a stud wherein an outer diameter of the stud has a plurality of threads formed thereabout. One of ordinary skill in the art would appreciate that a threaded connector assembly is not constructed to be "forced or pressed" together without rotation between the respective components thereof.

Finally, claim 108, which depends from claim 106 which has also been classified in Group I, calls for, in part, a quick-connect connector assembly wherein a first connector rotatably engages a second connector from an insert position to a fully engaged position in less than approximately 180 rotational degrees from the insert position.

**Each claim set of the multiple claim sets classified as Group I includes limitations, either in the independent claims or in claims dependent thereon, which associate the respective connectors of the connector assembly as rotatably associated.** The Examiner's assertion that threaded parts can be pressed or forced together is incongruous to any interpretation a person of ordinary skill in the art would understand from a plurality of

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parts which have a threaded association as called for in the claims of Group I. As such, the Examiner has not demonstrated that the product as claimed can be made by another materially different process. The Examiner's assertion that the "electrical connection as claimed can be formed by forcing or pressing the plug into the socket, without any step of rotation" not only disregards elements expressly recited in those claims directed to the product it also defies common sense. That is, the product claims expressly recite threaded parts and/or the rotational association therebetween that cannot be forced together.

For all the reasons set forth above, Applicant believes that the restriction of the claims between Groups I and II is improper and unsupportable. According, Applicant requests the restriction between Groups I and II be withdrawn.

The Examiner further states that "[i]f Applicant elects the invention I, a further restriction of species is required" and that "[t]his application contains claims directed to the following patentably distinct species of claimed invention: specie 1 (Figures 1-12), specie 2 (Figures 13-17), specie 3 (No Figure)(see page 17, [Para 56]), specie 4 (No Figure)(see page 17, [Para 58]), specie 5 (No Figure)(see page 17, [Para 59]), specie 6 (No Figure)(see page 18, [Para 60]), specie 7 (No Figure)(see page 18, [Para 61]), specie 8 (No Figure)(see page 17, [Para 57])." Applicant hereby further elects, with traverse, what the Examiner has identified as specie 2 of Group I as shown in Figs. 13-17 and corresponding to claims 1-15, 19-22, 24-37, 61-67, 70-81, 85-96, 99, and 101-108.

MPEP §806.04(e) states that "*Claims are never species... Species are always the specifically different embodiments.*" (Emphasis added and in original). The citations the Examiner provides are merely paraphrases of that which is called for in each of the independent claims of the above-captioned Application. The Examiner's identification of the "species" is nothing more than an attempt to circumvent the rule against identifying claims as species. In other words, it appears the Examiner has ignored that the claims are "different definitions of the same disclosed subject matter, varying in breadth and scope." MPEP §806.03. The citations the Examiner provides to support the disclosure of multiple species are paragraphs of the Specification which correlate to the respective independent claims of the Application. Furthermore, what the Examiner has identified as species 4 and 5 are in fact paraphrases of what is called for in claims 42 and 47, previously classified as Group II. What the Examiner has identified as Group I, consisting of claims 1-42 and 61-109, does not include these claims and as such, Group I cannot include these alleged species.

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MPEP §809.02(a) further requires that the Examiner “[c]learly identify each (or in aggravated cases at least exemplary ones) of the disclosed species, to which claims are restricted” and that “[t]he species are preferably identified as ... figures ... or ... examples.” The Examiner must clearly identify species, such as by different figures, not claim language. An inspection of the cited claims, beyond merely preamblic language, reveals that the purported “species” are not only supported by the drawings, they are substantially interrelated. Thus, the Examiner could not provide a precise identification of the “species” or explain any distinguishable characteristics as between the cited claims. This failure to identify distinguishable characteristics beyond what is shown in the drawings indicates that the multiple species restriction required by the Examiner cannot be substantively supported.

As stated in MPEP §806.04(a), “a reasonable number of species may [...] be claimed in the one application....” MPEP §806.04(b) further states that “[w]here inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i)” and “[i]f restriction is improper under either practice, it should not be required.” The Examiner’s identification of the alleged ‘species’ is premised on the final paragraphs of the Detailed Description rather than what is shown in the Drawings. As indicated in the species restriction, the drawings only show two alleged species. The first “species” being shown in Figs. 2-12 and the second “species” being shown in Figs. 13-17. MPEP §806.04(e) further states that “[c]laims may be restricted to a single disclosed embodiment (i.e., a single species, and thus be designated a specific species claim), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a generic or genus claim).” The Examiner has identified claim 1 as a generic claim, however, claim 1 is not the only generic claim.

MPEP §806.04(f) states that “[c]laims to be restricted to different species must be mutually exclusive” and that “[t]he general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first.” MPEP §806.04(f) elaborates that “[t]his is frequently expressed by saying that claims to be restricted to different species must recite the mutually exclusive characteristics of such species.”

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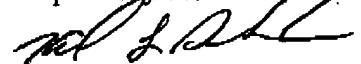
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The Examiner has characterized claim 1 as generic. Applicant believes claims 2-12 are also generic and claims 11-15 are directed to elected species 2 (shown in Figs. 13-17). Of Group I, claims 19-22, 25-32, 61-64, 67, 70-77, 93-96, 99, and 101-109 are also believed to be generic between species 1 and 2 and claims 11-15, 24, 33-37, 65-66, 78-81, and 85-92 are considered directed to species 2 as shown in Figs. 13-17.

Accordingly, Applicant elects, species 2 of Group I which consists of claims 1-15, 19-22, 24-37, 61-67, 70-81, 85-96, 99, and 101-108. Upon consideration of the remarks presented herein, Applicant requests rejoinder of all of the claims. At a minimum the rejoinder of claims 42-58 is required because these claims are also generic and/or directed to species 2. Further, since the restriction between the claims of Groups I and II is clearly improper as supported above, all remaining claims must be rejoined.

For all these reasons, Applicant respectfully requests rejoinder of all claims, of each group. The Examiner is invited to call the undersigned to discuss this Election or any other matters regarding this application to further prosecution.

Respectfully submitted,



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